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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,679	06/06/2001	Chao-Hsien Lin	826.0007	7543

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Marguerite Del Valle
Trademark and Patent Counselors of America, P.C.
915 Broadway, 19th Floor
New York, NY 10010-7108

EXAMINER

NI, SUHAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,679

Applicant(s)

LIN ET AL.

Examiner

Suhan Ni

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This communication is responsive to the application filed 06/06/2001.

Claim Rejections - 35 USC § 112, 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There are numerous of indefinite limitations in the claims, the examples are:

In claim 1, it recites the limitation of “an invisible speaker” in line 1. It is not clear how can a speaker be invisible.

In claim 1, it recites the limitation of “a transparent device” in line 2. It is not clear what does it refer to. Should it be a diaphragm of the speaker? If so, a diaphragm usually refers to an element of a device, such as a speaker.

In claim 1, it recites the limitation of “a vision face” in line 3. It is not clear what does it refer to.

In claim 1, it recites the limitation of “a distributed acoustic radiator” in lines 4-5. It is not clear what does it refer to.

...

Since there are too many indefiniteness terms or limitations in the claims, it would be a burden on the examiner to list them all. Therefore, applicants' corporation for thoroughly

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revising the claims and making proper corrections would be highly desirable for speeding up the patent application processing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Based on the best understood of the claim language with regarding the 112, 2nd paragraph rejection as mentioned above in paragraph 2 of this office action, claims 1, 9-10 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Wei et al. (US-6,289,101).

Regarding claims 1, 12 and 14, Wei et al. disclose a speaker, comprising: a vibrating member (2) for generating sound and at least one acoustic transducer (3-6) for driving the vibrating member, wherein the vibrating member is made of a transparent material as claimed.

Regarding claims 9-10, 13 and 15, Wei et al. further disclose the speaker, wherein the speaker is utilized in a telephone, inherently having a CRT as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Based on the best understood of the claim language with regarding the 112, 2nd paragraph rejection as mentioned above in paragraph 2 of this office action, claims 2-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei et al. (US-6,289,101).

Regarding claims 2-4 and 11, Wei et al. further disclose the speaker, wherein the speaker may be utilized in a telephone and other application as claimed. But Wei et al. do not clearly teach for utilizing the speaker in all applications as claimed. Since Wei et al. disclose the speaker, which is a miniature actuator for a miniature electrical device, such as a telephone, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide the speaker for any suitable miniature electrical device, such as a handhold device, for desirably utilizing the speaker.

Regarding claims 5-8, Wei et al. do not clearly teach the details of the vibrating member as claimed. Since providing an elastic material for the vibrating member of a speaker is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide a suitable elastic material, such as plastic for the vibrating member of the speaker with a desirable configuration, such as thickness, in order to obtain desirable acoustic effects.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is (703)-308-9322, and the number for fax machine is (703)-305-9508. The examiner can normally be reached on Monday

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through Thursday from 9:00 am to 7:30 pm. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

Suhan Ni

May 24, 2003

SUHAN NI
PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Suhan Ni', with a stylized flourish at the end.